

House File 2459

H-8245

1 Amend the amendment, H-8227, to House File 2459, as  
2 follows:

3 1. By striking page 1, line 1, through page 6, line  
4 24, and inserting:

5 <Amend House File 2459 as follows:

6 1. By striking everything after the enacting clause  
7 and inserting:

8 <DIVISION I

9 STANDING APPROPRIATIONS AND RELATED MATTERS

10 Section 1. 2015 Iowa Acts, chapter 138, is amended  
11 by adding the following new section:

12 NEW SECTION. SEC. 5A. GENERAL ASSEMBLY.

13 1. The appropriations made pursuant to section  
14 2.12 for the expenses of the general assembly and  
15 legislative agencies for the fiscal year beginning July  
16 1, 2016, and ending June 30, 2017, are reduced by the  
17 following amount:

18 ..... \$ 5,850,000

19 2. The budgeted amounts for the general assembly  
20 and legislative agencies for the fiscal year beginning  
21 July 1, 2016, may be adjusted to reflect the unexpended  
22 budgeted amounts from the previous fiscal year.

23 Sec. 2. 2015 Iowa Acts, chapter 138, is amended by  
24 adding the following new section:

25 NEW SECTION. SEC. 7A. Section 257.35, Code 2016,  
26 is amended by adding the following new subsection:

27 NEW SUBSECTION. 10A. Notwithstanding subsection 1,  
28 and in addition to the reduction applicable pursuant  
29 to subsection 2, the state aid for area education  
30 agencies and the portion of the combined district cost  
31 calculated for these agencies for the fiscal year  
32 beginning July 1, 2016, and ending June 30, 2017, shall  
33 be reduced by the department of management by fifteen  
34 million dollars. The reduction for each area education  
35 agency shall be prorated based on the reduction that

1 the agency received in the fiscal year beginning July  
2 1, 2003.

3 Sec. 3. Section 2.48, subsection 3, Code 2016, is  
4 amended by adding the following new paragraph:

5 NEW PARAGRAPH. *Of.* In 2016:

6 (1) The homestead tax credit under chapter 425.

7 (2) The elderly and disabled property tax credit  
8 under chapter 425.

9 (3) The agricultural land tax credit under chapter  
10 426.

11 (4) The military service tax credit under chapter  
12 426A.

13 (5) The business property tax credit under chapter  
14 426C.

15 (6) The commercial and industrial property tax  
16 replacement claims under section 441.21A.

17 Sec. 4. Section 230.8, Code 2016, is amended to  
18 read as follows:

19 **230.8 Transfers of persons with mental illness —**  
20 **expenses.**

21 The transfer to any state hospitals or to the places  
22 of their residence of persons with mental illness who  
23 have no residence in this state or whose residence is  
24 unknown and deemed to be a state case, shall be made  
25 according to the directions of the administrator,  
26 and when practicable by employees of the state  
27 hospitals. The actual and necessary expenses of such  
28 transfers shall be paid by the department on itemized  
29 vouchers sworn to by the claimants and approved by  
30 the administrator, ~~and the amount of the expenses is~~  
31 ~~appropriated to the department from any funds in the~~  
32 ~~state treasury not otherwise appropriated.~~

33 Sec. 5. Section 820.24, Code 2016, is amended to  
34 read as follows:

35 **820.24 Expenses — how paid.**

1 When the punishment of the crime shall be the  
2 confinement of the criminal in the penitentiary, the  
3 expenses shall be paid ~~out of the state treasury, on~~  
4 ~~the certificate of the governor and warrant of the~~  
5 ~~director of the department of administrative services~~  
6 by the department of corrections; and in all other  
7 cases they shall be paid out of the county treasury in  
8 the county wherein the crime is alleged to have been  
9 committed. The expenses shall be the fees paid to the  
10 officers of the state on whose governor the requisition  
11 is made, and all necessary and actual traveling  
12 expenses incurred in returning the prisoner.

13 DIVISION II

14 MISCELLANEOUS PROVISIONS

15 Sec. 6. MISCELLANEOUS APPROPRIATIONS.

16 1. If, following the close of the fiscal year  
17 ending June 30, 2016, moneys are transferred to the  
18 general fund of the state pursuant to section 8.55,  
19 subsection 2, paragraph "b", in an amount that exceeds  
20 \$60,000,000, there is appropriated from the general  
21 fund of the state to the following departments and  
22 agencies for the fiscal year beginning July 1, 2016,  
23 and ending July 1, 2017, the following amounts, or  
24 so much thereof as is necessary, to be used for the  
25 purposes designated:

26 a. COLLEGE STUDENT AID COMMISSION

27 For purposes of providing skilled workforce shortage  
28 tuition grants in accordance with section 261.130:  
29 ..... \$ 2,500,000

30 b. DEPARTMENT OF EDUCATION

31 For deposit in the gap tuition assistance fund  
32 established pursuant to section 260I.2:  
33 ..... \$ 1,000,000

34 c. DEPARTMENT OF HUMAN SERVICES

35 For an Iowa food bank association selected by the

1 department of human services for the purchase of food  
2 on behalf of an Iowa emergency feeding organization or  
3 for the distribution of moneys to the Iowa emergency  
4 feeding organizations for the purchase of food:  
5 ..... \$ 100,000

6 d. DEPARTMENT OF PUBLIC HEALTH

7 For an association dedicated to supporting persons  
8 suffering from Alzheimer's disease:  
9 ..... \$ 100,000

10 2. Notwithstanding section 8.33, moneys  
11 appropriated in this section that remain unencumbered  
12 or unobligated at the close of the fiscal year shall  
13 not revert but shall remain available for expenditure  
14 for the purposes designated until the close of the  
15 fiscal year ending June 30, 2018.

16 Sec. 7. WATER QUALITY — IOWA FINANCE  
17 AUTHORITY. There is appropriated from the general fund  
18 of the state to the Iowa finance authority for the  
19 fiscal year beginning July 1, 2016, and ending June 30,  
20 2017, the following amount, or so much thereof as is  
21 necessary, to be used for the purpose designated:

22 For deposit in the water quality financial  
23 assistance fund created in section 16.134A, if enacted  
24 by 2016 Iowa Acts, House File 2451:  
25 ..... \$ 2,000,000

26 Sec. 8. WATER QUALITY INTERIM STUDY COMMITTEE. The  
27 legislative council is requested to appoint an interim  
28 study committee to examine issues and funding related  
29 to water quality in the state. The committee shall  
30 submit a report to the general assembly by January 1,  
31 2017.

32 Sec. 9. INDEPENDENT STUDY OF STUDENT DEBT —  
33 APPROPRIATION.

34 1. There is appropriated from the general fund of  
35 the state to the college student aid commission for the

1 fiscal year beginning July 1, 2016, and ending June 30,  
2 2017, the following amount, or so much thereof as is  
3 necessary, to be used for purposes of commissioning the  
4 study of student debt in accordance with this section:  
5 ..... \$ 100,000

6 2. The college student aid commission, in  
7 collaboration with the state board of regents, the  
8 department of education, and the economic development  
9 authority, shall use funds appropriated pursuant  
10 to this section to commission an independent study  
11 of student debt at Iowa's public postsecondary  
12 institutions and of the impact of student debt on  
13 Iowa's citizens and economy.

14 3. The study shall include but not be limited to  
15 the following matters:

16 a. The reasons average student loan debt at Iowa's  
17 public postsecondary institutions is generally higher  
18 than the national average.

19 b. The lifetime impact of student debt on the  
20 individual's assets and net worth and the impact on  
21 family finances in general.

22 c. The economic impact of student debt on the  
23 economy of the state and on Iowa families, workforce,  
24 communities, housing market, and business climate.

25 d. Measures to reduce student debt levels, increase  
26 the affordability and attainment of a postsecondary  
27 education, and to improve financial aid practices  
28 and financial aid funding at the state's public  
29 postsecondary institutions.

30 e. Measures to increase consumer education and  
31 provide financial counseling to students considering  
32 education loans, along with measures to provide  
33 academic support for students at risk of dropping out.

34 f. Measures to relieve the financial burden of  
35 student debt on an individual.

1 g. Measures to encourage recent college graduates  
2 to remain in Iowa.

3 h. The demographic characteristics of student  
4 borrowers and the impact family income has on the  
5 amount of student debt incurred by college graduates.

6 i. Any issues deemed relevant by the entity  
7 conducting the study in order to fully examine the  
8 socioeconomic impact of student debt in Iowa.

9 4. The state board of regents and its universities,  
10 the department of education and the community colleges,  
11 and the economic development authority shall cooperate  
12 with the commission and with the entity conducting  
13 the study and shall provide to the entity any data  
14 requested by the entity except as limited by chapter  
15 22 and by the federal Family Educational Rights and  
16 Privacy Act, 20 U.S.C. §1232g.

17 5. The commission shall submit a report of the  
18 findings of the study along with recommendations,  
19 if any, of the entity conducting the study, and  
20 recommendations, if any, of the commission, the state  
21 board of regents, the department of education, and the  
22 economic development authority, in a report to the  
23 general assembly by January 14, 2017.

24 Sec. 10. SALARY MODEL ADMINISTRATOR. The salary  
25 model administrator shall work in conjunction with  
26 the legislative services agency to maintain the  
27 state's salary model used for analyzing, comparing,  
28 and projecting state employee salary and benefit  
29 information, including information relating to  
30 employees of the state board of regents. The  
31 department of revenue, the department of administrative  
32 services, the five institutions under the jurisdiction  
33 of the state board of regents, the judicial district  
34 departments of correctional services, and the state  
35 department of transportation shall provide salary data

1 to the department of management and the legislative  
2 services agency to operate the state's salary  
3 model. The format and frequency of provision of the  
4 salary data shall be determined by the department of  
5 management and the legislative services agency. The  
6 information shall be used in collective bargaining  
7 processes under chapter 20 and in calculating the  
8 funding needs contained within the annual salary  
9 adjustment legislation. A state employee organization  
10 as defined in section 20.3, subsection 4, may request  
11 information produced by the model, but the information  
12 provided shall not contain information attributable to  
13 individual employees.

14 Sec. 11. Section 24.32, Code 2016, is amended to  
15 read as follows:

16 **24.32 Decision certified.**

17 After a hearing upon the appeal, the state board  
18 shall certify its decision to the county auditor and  
19 to the parties to the appeal as provided by rule, and  
20 the decision shall be final. The county auditor shall  
21 make up the records in accordance with the decision and  
22 the levying board shall make its levy in accordance  
23 with the decision. Upon receipt of the decision, the  
24 certifying board shall correct its records accordingly,  
25 if necessary. Final disposition of all appeals shall  
26 be made by the state board ~~on or before April 30 of~~  
27 each year within forty-five days after the date of the  
28 appeal hearing.

29 Sec. 12. Section 418.12, subsection 5, Code 2016,  
30 is amended to read as follows:

31 5. If the department of revenue determines that  
32 the revenue accruing to the fund or accounts within  
33 the fund exceeds thirty million dollars for a fiscal  
34 year or exceeds the amount necessary for the purposes  
35 of this chapter if the amount necessary is less than

1 thirty million dollars for a fiscal year, then those  
2 excess moneys shall be credited by the department of  
3 revenue for deposit in the general fund of the state.

4 Sec. 13. NEW SECTION. 915.46 Sexual assault kit  
5 reporting.

6 If a statewide secure web-based sexual assault kit  
7 tracking system is implemented, by January 31, of each  
8 year the division shall submit an annual report to the  
9 general assembly regarding the status of sexual assault  
10 kits. The report shall include but not be limited to  
11 all of the following:

12 1. The total number of kits statewide and by  
13 judicial district.

14 2. The average and median length of time for kits  
15 to be submitted for forensic analysis after being added  
16 to the system.

17 3. The average and median length of time for  
18 forensic analysis to be completed on kits after being  
19 submitted.

20 4. The total number of kits destroyed or removed  
21 from the system.

22 5. The total number of kits that have not been  
23 analyzed after six months of being added to the system.

24 6. The total number of kits that have not been  
25 analyzed after one year or longer of being added to the  
26 system.

27 Sec. 14. 2016 Iowa Acts, House File 2420, section  
28 1, subsection 5, is amended by adding the following new  
29 paragraph:

30 NEW PARAGRAPH. c. The report shall also include  
31 details of a plan that provides for the issuance  
32 of a request for proposals for the operation of a  
33 statewide secure web-based sexual assault kit tracking  
34 system. The plan shall include provisions to protect  
35 the identity of the victims. The plan may include



1 contracting with public and private entities. The plan  
2 must include all of the following:

3 (1) Allowing for the tracking of location and  
4 status of sexual assault kits throughout the criminal  
5 justice process.

6 (2) A method for the following entities to access  
7 the system to update and track the status of kits:

8 (a) Medical facilities that perform the sexual  
9 assault forensic examinations.

10 (b) Law enforcement agencies and prosecutors.

11 (c) The division of criminal investigation of the  
12 department of public safety.

13 (d) The crime victim assistance division of the  
14 department of justice.

15 (3) A method to address allowing victims of sexual  
16 assault to anonymously track or receive updates  
17 regarding the status of their kit.

18 (4) A method for phasing in the plan if necessary.

19 DIVISION III

20 CORRECTIVE PROVISIONS

21 Sec. 15. Section 229.13, subsection 7, paragraph a,  
22 subparagraph (1), if enacted by 2016 Iowa Acts, Senate  
23 File 2259, section 1, is amended to read as follows:

24 (1) The respondent's mental health professional  
25 acting within the scope of the mental health  
26 professional's practice shall notify the committing  
27 court, with preference given to the committing judge,  
28 if available, in the appropriate county ~~who~~ and the  
29 court shall enter a written order directing that  
30 the respondent be taken into immediate custody by  
31 the appropriate sheriff or sheriff's deputy. The  
32 appropriate sheriff or sheriff's deputy shall exercise  
33 all due diligence in taking the respondent into  
34 protective custody to a hospital or other suitable  
35 facility.

1     Sec. 16. Section 272.25, subsection 3, Code 2016,  
2 as amended by 2016 Iowa Acts, Senate File 2196, section  
3 3, is amended to read as follows:

4     3. A requirement that the program include  
5 instruction in skills and strategies to be used in  
6 classroom management of individuals, and of small and  
7 large groups, under varying conditions; skills for  
8 communicating and working constructively with pupils,  
9 teachers, administrators, and parents; preparation in  
10 reading theory, knowledge, strategies, and approaches,  
11 and for integrating literacy instruction ~~in~~ into  
12 content areas in accordance with section 256.16; and  
13 skills for understanding the role of the board of  
14 education and the functions of other education agencies  
15 in the state. The requirement shall be based upon  
16 recommendations of the department of education after  
17 consultation with teacher education faculty members in  
18 colleges and universities.

19     Sec. 17. Section 598C.102, subsection 8, paragraph  
20 b, if enacted by 2016 Iowa Acts, Senate File 2233,  
21 section 2, is amended to read as follows:

22     b. An individual who has custodial responsibility  
23 for a child under a law of this state other than this  
24 chapter.

25     Sec. 18. 2016 Iowa Acts, House File 2269, section  
26 20, subsection 1, is amended to read as follows:

27     1. It is amended, rescinded, or supplemented by the  
28 affirmative action of the executive ~~council~~ committee  
29 of the Iowa beef cattle producers association created  
30 in section 181.3, as amended in this Act.

31     Sec. 19. 2016 Iowa Acts, Senate File 378, section  
32 2, is amended to read as follows:

33     SEC. 2. REPEAL. Section 80.37, Code ~~2015~~ 2016, is  
34 repealed.

35     Sec. 20. 2016 Iowa Acts, Senate File 2185, section

1 2, if enacted, is amended by striking the section and  
2 inserting in lieu thereof the following:

3 SEC. 2. Section 709.21, subsection 3, Code 2016, is  
4 amended to read as follows:

5 3. A person who violates [this section](#) commits a  
6 ~~serious~~ an aggravated misdemeanor.

7 DIVISION IV

8 SERVICE CONTRACT RECIPIENTS

9 Sec. 21. Section 8F.3, subsection 1, paragraphs b  
10 and d, Code 2016, are amended to read as follows:

11 *b.* Information regarding the training and education  
12 received by the members of the governing body of  
13 the recipient entity relating to the duties and  
14 legal responsibilities of the governing body. The  
15 information shall also include certification that  
16 the members of the governing body have completed a  
17 training program established pursuant to section 19B.7,  
18 subsection 3.

19 *d.* Information regarding any policies adopted  
20 by the governing body of the recipient entity that  
21 prohibit taking adverse employment action against  
22 employees of the recipient entity who disclose  
23 information about a service contract, to include  
24 information about the pay and benefits received by  
25 an employee of a recipient entity, to the oversight  
26 agency, the auditor of state, the office of the  
27 attorney general, or the office of ombudsman and  
28 that state whether those policies are substantially  
29 similar to the protection provided to state employees  
30 under [section 70A.28](#). The information provided shall  
31 state whether employees of the recipient entity are  
32 informed on a regular basis of their rights to disclose  
33 information to the oversight agency, the office of  
34 ombudsman, the auditor of state, or the office of the  
35 attorney general and the telephone numbers of those

1 organizations.

2 Sec. 22. Section 19B.7, Code 2016, is amended by  
3 adding the following new subsection:

4 NEW SUBSECTION. 3. The department of  
5 administrative services, in coordination with  
6 the Iowa civil rights commission, shall establish a  
7 training program for prospective recipient entities, as  
8 defined in section 8F.2, concerning the requirements  
9 of this section, and chapter 216, relative to the  
10 administration and promotion of equal opportunity and  
11 the prohibition of discriminatory and unfair practices  
12 within any program receiving or benefiting from state  
13 financial assistance. The program shall specifically  
14 include guidance relative to unfair employment  
15 practices as described in section 216.6, and wage  
16 discrimination in employment prohibitions as described  
17 in section 216.6A.

18 DIVISION V

19 WAGE DISCRIMINATION IN EMPLOYMENT

20 Sec. 23. Section 216.6A, Code 2016, is amended by  
21 adding the following new subsection:

22 NEW SUBSECTION. 2A. It shall be an unfair or  
23 discriminatory practice for any employer or agent of  
24 any employer to do any of the following:

25 a. Require, as a condition of employment, that  
26 an employee refrain from disclosing, discussing,  
27 or sharing information about the amount of the  
28 employee's wages, benefits, or other compensation or  
29 from inquiring, discussing, or sharing information  
30 about any other employee's wages, benefits, or other  
31 compensation.

32 b. Require, as a condition of employment, that an  
33 employee sign a waiver or other document that requires  
34 an employee to refrain from engaging in any of the  
35 activities permitted under paragraph "a".

1     *c.* Discriminate or retaliate against an employee  
2 for engaging in any of the activities permitted under  
3 paragraph "a".

4     *d.* Seek salary history information, including  
5 but not limited to information on compensation and  
6 benefits, from a potential employee as a condition of a  
7 job interview or employment. This paragraph shall not  
8 be construed to prohibit a prospective employer from  
9 asking a prospective employee what salary level the  
10 prospective employee would require in order to accept  
11 a job.

12     *e.* Release the salary history, including but  
13 not limited to information on compensation and  
14 benefits, of any current or former employee to any  
15 prospective employer in response to a request as part  
16 of an interview or hiring process without written  
17 authorization from such current or former employee.

18     *f.* Publish, list, or post within the employer's  
19 organization, with any employment agency, job-listing  
20 service, or internet site, or in any other public  
21 manner, an advertisement to recruit candidates for hire  
22 or independent contractors to fill a position within  
23 the employer's organization without including the  
24 minimum rate of pay of the position. The rate of pay  
25 may be by the hour, shift, day, week, salary, piece,  
26 commission, or other applicable rate. The rate of pay  
27 shall include overtime and allowances, if any, claimed  
28 as part of the minimum wage, including but not limited  
29 to tipped wages.

30     *g.* Pay a newly hired employee at less than the  
31 rate of pay advertised for the employee's position as  
32 required under paragraph "f".

33                     DIVISION VI

34     WAGE DISCRIMINATION — EQUAL PAY TASK FORCE AND REPORT

35     Sec. 24. EQUAL PAY TASK FORCE AND REPORT.

1     1. An equal pay task force is created. The task  
2 force shall consist of the following members:  
3     a. The director of the civil rights commission, or  
4 the director's designee.  
5     b. The director of the department of human rights,  
6 or the director's designee.  
7     c. An employee of the labor market information  
8 division of the department of workforce development  
9 designated by the director of the department.  
10    d. A representative of the association of business  
11 and industry, appointed by the president of the  
12 association.  
13    e. A member of a statewide labor organization  
14 designated by the legislative council, appointed by the  
15 president of the organization.  
16    f. Two representatives of organizations whose  
17 objectives include the elimination of pay disparities  
18 between men and women and minorities and nonminorities  
19 and that have undertaken advocacy, educational, or  
20 legislative initiatives in pursuit of such objectives  
21 appointed by the director of the civil rights  
22 commission in consultation with the leadership of those  
23 organizations.  
24    g. Two representatives of postsecondary education  
25 institutions who have experience and expertise in  
26 the collection and analysis of data concerning pay  
27 disparities between men and women and minorities and  
28 nonminorities and whose research has been used in  
29 efforts to promote the elimination of such disparities  
30 appointed by the director of the civil rights  
31 commission in consultation with the leadership of those  
32 institutions.  
33    h. Four members of the general assembly serving  
34 as ex officio, nonvoting members, one representative  
35 to be appointed by the speaker of the house of

1 representatives, one representative to be appointed by  
2 the minority leader of the house of representatives,  
3 one senator to be appointed by the majority leader of  
4 the senate, and one senator to be appointed by the  
5 minority leader of the senate.

6 2. The task force shall study all of the following:

7 a. The extent of wage disparities, both in the  
8 public and private sectors, between men and women and  
9 between minorities and nonminorities.

10 b. Factors that cause, or which tend to cause, such  
11 disparities, including segregation between women and  
12 men and between minorities and nonminorities across  
13 and within occupations, payment of lower wages for  
14 work in female-dominated occupations, child-rearing  
15 responsibilities, the number of women who are heads of  
16 households, education, hours worked, and years on the  
17 job.

18 c. The consequences of such disparities on the  
19 economy and affected families.

20 d. Actions likely to lead to the elimination and  
21 prevention of such disparities.

22 3. The civil rights commission shall provide  
23 staffing services for the task force.

24 4. The voting members shall elect a chairperson  
25 from the voting membership of the task force. A  
26 majority of the voting members of the task force  
27 constitutes a quorum.

28 5. Voting members of the task force shall receive  
29 reimbursement for actual expenses incurred while  
30 serving in their official capacity only if they are not  
31 eligible for reimbursement by the organization that  
32 they represent. Legislative members shall be paid the  
33 per diem and expenses specified in section 2.10.

34 6. The task force shall submit a report regarding  
35 its findings and its recommendations regarding

1 potential actions for the elimination and prevention  
2 of disparities in wages between men and women and  
3 minorities and nonminorities to the governor and the  
4 general assembly no later than December 22, 2017.>  
5 2. By renumbering as necessary.>

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HALL of Woodbury